

Ships' asbestos dust killed man 50 years on

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Law Correspondent

THE widow of a french polisher who died of asbestos-related cancer after working on the Queen Elizabeth more than 50 years ago has been awarded damages of £15,000.

A Judge rejected a defence by Upper Clyde Shipbuilders that french polishers did not have to be protected against asbestos because they worked in a dust-free atmosphere.

Lord Cameron of Lochbroom also ruled that by at least 1938 any reasonable shipyard employer would have been well aware of the harmful nature of asbestos dust and the dangers of breathing it in.

Mrs Margery Rennie of Station Road, Drayton, Portsmouth, sued UCS for £20,000 in the Court of Session after the death of her husband, Ernest, on December 23, 1990, at the age of 75. The couple were married in 1963.

Mr Rennie worked for John Brown (Shipbuilders) during the Second World War and his

widow sued UCS as John Brown's successor.

In a written judgment, Lord Cameron said it had been conceded by UCS that precautions against the risk from asbestos dust had not been taken in Mr Rennie's case. The company argued that this was because they were not necessary in the case of french polishers.

The Judge said medical evidence from the consultant physician who had treated Mr Rennie from August 1990 until his death satisfied him that the mesothelioma from which Mr Rennie was suffering was the result of exposure to asbestos dust and particles.

For about 30 years before he retired in 1978 Mr Rennie had worked for a firm of french polishers in Clapham, London and during that time he was not exposed to asbestos dust.

Mr Rennie had mentioned to the physician the liner Queen Elizabeth which was built and fitted out by John Brown between 1937 and 1940 and had also talked generally of working in ships and docks.

The Judge said he was satisfied that Mr Rennie had been

exposed to significant amounts of asbestos dust while he worked as a french polisher on board ships where insulation work was or had been taking place.

He accepted that, generally, french polishers on board ships would take all steps to see that the area was free from dust.

"However, the balance of the evidence satisfies me that they would at all times be exposed to the risk of inhaling asbestos dust while they were aboard ship and not least while they were making their way to and from the cabins or other spaces in which they were to work and that this could be for periods of weeks on any one ship."

"I also consider that there was ample evidence to suggest that even within the cabins in which they were working the atmosphere would be dusty."

There was ample evidence that such dust could remain invisible in the air. He was satisfied that exposure to asbestos dust during his work between 1939 and 1945 had materially contributed to Mr Rennie's malignant mesothelioma.

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